

1 J. MICHAEL HIGGINBOTHAM State Bar # 61499  
2 JENNIFER A. BECKER State Bar # 121319  
3 JOHN B. SULLIVAN State Bar # 238306  
4 LONG & LEVIT LLP  
5 465 California Street, Suite 500  
6 San Francisco, CA 94104  
7 TEL: (415) 397-2222 FAX: (415) 397-6392

8 jabecker@longlevit.com / jsullivan@longlevit.com

9 Attorneys for Defendant  
10 MBH ARCHITECTS, INC. aka McNULTY  
11 BRISKMAN HEATH

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

1 BOVIS LEND LEASE, INC. as assignee  
2 of LNR-LENNAR BRANNAN STREET,  
3 LLC,

CASE No. C 07-05262 JSW

**[PROPOSED] SPECIAL VERDICT FORM**

4 Plaintiff,

Judge: Hon. Jeffrey S. White  
5 vs. Trial Date: April 20, 2009

6 MBH ARCHITECTS, INC. aka  
7 McNULTY BRISKMAN HEATH and  
8 DOES 1 through 150, inclusive,

9 Defendant.

10 MBH ARCHITECTS, INC. aka  
11 McNULTY BRISKMAN HEATH,

12 Cross-  
13 Complainant,

14 vs.

15 LNR-LENNAR BRANNAN STREET,  
16 LLC, and ROES, 1 through 150,  
17 inclusive,

18 Cross-  
19 Defendant.

1 **BREACH OF CONTRACT/PROFESSIONAL NEGLIGENCE/NEGLIGENCE**

2 **QUESTION NO. 1**

3 Did LNR-Lennar Brannan Street, LLC assign Plaintiff Bovis Lend Lease, Inc. all of its  
4 rights with respect to Defendant MBH Architects, Inc. under the contract?

5        Yes        No

6 If the answer to question No. 1 is yes, then answer question No. 2. If you answered no,  
7 stop here, answer no further questions, and have the presiding juror sign and date this form.

8 **QUESTION NO. 2**

9 Did LNR-Lennar-Brannan Street do all, or substantially all, of the significant things that  
10 the contract required it to do?

11        Yes        No

12 If the answer to question No. 2 is yes, then answer question No. 3. If you answered no,  
13 stop here, answer no further questions, and have the presiding juror sign and date this form.

14 **QUESTION NO. 3**

15 Was LNR-Lennar Brannar Steet, LLC excused from having to do all, or substantially all,  
16 of the significant things that the contract required it to do?

17        Yes        No

18 If the answer to question No. 3 is yes, then answer question No. 5. If the answer to  
19 question No. 3 is yes, then answer question No. 4.

20 **QUESTION NO. 4**

21 Did all of the conditions occur that were required for MBH Architects, Inc.'s performance  
22 under the contract?

23        Yes        No

24 If the answer to question No. 4 is yes, then answer question No. 5. If you answered no,  
25 stop here, answer no further questions, and have the presiding juror sign and date this form.

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### **QUESTION NO. 5**

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to its design of the structural beams?

Yes             No

B. Did MBH breach its contract with Lennar or fall below the standard of care in implementing corrective measures on a timely basis with respect to the structural beam redesign?

Yes  No

If you answer no to subpart A and subpart B, please move on to Question 6. If you answer yes to either subpart A or subpart B, then answer subpart C.

C. Were any errors or omissions on the part of MBH regarding the design or implementation of corrective measures related to the structural beams a substantial factor in delaying the final completion date of the project and/or increasing construction costs?

Yes             No

If you answered no, please move on to Question No. 6. If you answered yes, go to subpart D.

D. Was Bovis negligent with respect to its review of information related to corrective measures related to the structural beam?

Yes  No

E. Was Bovis negligent with respect to its communication of corrective measures to its affected subcontractors with respect to the structural beam?

Yes  No

F. Were any errors or omissions on the part of Bovis a substantial factor in delaying the final completion date of the project and/or increasing construction costs?

G. What are Lennar's total damages with respect to the as a result of the structural beam issue?

Amount \$ \_\_\_\_\_

1  
2        H.    What percentage of such fault is attributable to MBH and what percentage is  
3 attributable to Bovis.

4        Answer:    To MBH    \_\_\_\_\_ %

5                   To Bovis:    \_\_\_\_\_ %

6 **QUESTION NO. 6**

7        A.    Did MBH breach its contract with Lennar or fall below the standard of care in  
8 coordinating the design of the structural framing on the roof?

9            Yes     No

10        If you answer no to subpart A please move on to to question 7. If you answer yes to  
11 subpart A, go to subpart B.

12        B.    Were any errors or omissions on the part of MBH related to the structural framing  
13 on the roof a substantial factor in delaying the final completion date of the project and/or  
14 increasing construction costs?

15            Yes     No

16        If you answered no to subpart B, please move on to Question No. 7. If you answered yes,  
17 then answer subpart C.

18        C.    Did Lennar breach any obligations to MBH with respect to its contractual  
19 obligation to retain its design build consultants?

20            Yes     No

21        D.    Were any errors or omissions on the part of Lennar a substantial factor in delaying  
22 the final completion date of the project and/or increasing construction costs?

23            Yes     No

24        E.    What are Lennar's total damages with respect to the as a result of the structural  
25 framing on the roof issue?

26           Amount \$\_\_\_\_\_

27        F.    What percentage of such fault is attributable to MBH and what percentage is

1 attributable to Lennar.

2 Answer: To MBH \_\_\_\_\_ %

3 To Lennar \_\_\_\_\_ %

4 **QUESTION NO. 7**

5 A. Did MBH breach its contract or fall below the standard of care in specifying  
6 bathtubs and surrounds at One Federal Building in a manner that harmed Lennar?

7  Yes  No

8 If you answered no to subpart A, please move on to Question No. 8. If you answered yes  
9 to subpart A, then answer subpart B.

10 B. Were any errors or omissions on the part of MBH related to the bathtubs and  
11 surrounds at One Federal Building a substantial factor in causing Lennar harm?

12  Yes  No

13 If you answered no to subpart B, please move on to Question No. 8. If you answered yes  
14 to subpart B, then answer subpart C.

15 C. What are Lennar's total damages for the bathtubs and surrounds at One Federal  
16 Building?

17 Amount \$\_\_\_\_\_

18 **QUESTION NO. 8**

19 A. Did MBH breach its contract with Lennar or fall below the standard of care with  
20 respect to a door at Unit 49 of One Federal Building?

21  Yes  No

22 If you answered no to subpart A, please move on to Question No. 9. If you answered yes  
23 to Subpart A, then answer subpart B.

24 B. Were any errors or omissions on the part of MBH with respect to a door at Unit 49  
25 of One Federal Building a substantial factor in causing Lennar harm?

26  Yes  No

27 If you answered no to subpart B, please move on to Question No. 9. If you answered yes  
28

1 to subpart B, then answer subpart C.

2 C. What was Lennar's total damages for the door at Unit 49 of One Federal Building?

3 Amount \$\_\_\_\_\_

4 **QUESTION NO. 9**

5 A. Did MBH breach its contract with Lennar or fall below the standard of care with  
6 respect to specification of marble countertops?

7  Yes  No

8 If you answered no to subpart A, please move on to Question No. 10. If you answered yes  
9 to subpart A, then answer subpart B.

10 B. Were any errors or omissions on the part of MBH with respect to specification of  
11 marble countertops a substantial factor in causing Lennar harm?

12  Yes  No

13 If you answered no to subpart B, please move on to Question No. 10. If you answered yes  
14 to subpart B, then answer subpart C.

15 C. Did Lennar assume the risk with respect to specification of marble countertops?

16  Yes  No

17 D. Was Lennar's assumption of this risk a substantial factor in causing harm to  
18 Lennar?

19  Yes  No

20 E. What was Lennar's total damages for the marble countertops?

21 Amount \$\_\_\_\_\_

22 F. What percentage of such fault is attributable to MBH and what percentage is  
23 attributable to Lennar?

24 Answer: To MBH \_\_\_\_\_ %

25 To Lennar \_\_\_\_\_ %

26 **QUESTION NO. 10**

27 A. Did MBH breach its contract with Lennar or fall below the standard of care with

1 respect to the specification of range hoods?

2        Yes        No

3           If you answered no to subpart A, please move on to Question No. 11. If you answered yes  
4 to subpart A, then answer subpart B.

5           B.       Were any errors or omissions on the part of MBH with respect to specification of  
6 range hoods a substantial factor in causing Lennar harm?

7        Yes        No

8           If you answered no to subpart B, please move on to Question No. 11. If you answered yes  
9 to subpart B, then answer subpart C.

10          C.       Did Bovis or any of its subcontractors fall below the standard of care with respect  
11 to any duties or obligations with respect to the specifying range hoods in a manner that harmed  
12 Lennar?

13        Yes        No

14          D.       Were any errors or omissions on the part of Bovis or any of its subcontractors with  
15 respect to specification of range hoods a substantial factor in causing Lennar harm?

16        Yes        No

17          E.       What are Lennar's total damages with respect to the range hoods?

18           Amount \$\_\_\_\_\_

19          F.       What percentage of such fault is attributable to MBH and what percentage is  
20 attributable to Bovis or any of its subcontractors.

21           Answer:   To MBH       \_\_\_\_\_ %

22                   To Lennar       \_\_\_\_\_ %

23 **QUESTION NO. 11**

24          A.       Did MBH breach its contract with Lennar or fall below the standard of care with  
25 respect to the soffits above stair landings?

26        Yes        No

27           If you answered no to subpart A, please move on to Question No. 12. If you answered yes

1 to Subpart A, then answer subpart B.

2 B. Were any errors or omissions on the part of MBH with respect to the soffits above  
3 stair landings a substantial factor in causing Lennar harm?

4  Yes  No

5 If you answered no to subpart B, please move on to Question No. 12. If you answered yes  
6 to subpart B, then answer subpart C.

7 C. What was Lennar's total damages for the with respect to the soffits above stair  
8 landings?

9 Amount \$\_\_\_\_\_

10 **QUESTION NO. 12**

11 A. Did MBH breach its contract with Lennar or fall below the standard of care with  
12 respect to acoustical issues in its design of the retail canopy?

13  Yes  No

14 If you answered no to subpart A, please move on to Question No. 13. If you answered yes  
15 to Subpart A, then answer subpart B.

16 B. Were any errors or omissions on the part of MBH with respect to acoustical issues  
17 in its design of the retail canopy a substantial factor in causing Lennar harm?

18  Yes  No

19 If you answered no to subpart B, please move on to Question No. 13. If you answered yes  
20 to subpart B, then answer subpart C.

21 C. Did Bovis or any of its subcontractors fall below the standard of care with respect  
22 to acoustical issues in construction of the retail canopy?

23  Yes  No

24 D. Were any errors or omissions on the part of Bovis or any of its subcontractors with  
25 respect to acoustical issues in construction of the retail canopy a substantial factor in causing  
26 Lennar harm?

27  Yes  No

E. What are Lennar's total damages with respect to the as a result of the acoustical issues in construction of the retail canopy?

Amount \$ \_\_\_\_\_

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis or any of its subcontractors.

Answer: To MBH \_\_\_\_\_ %

To Bovis \_\_\_\_\_%

### **QUESTION NO. 13**

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to acoustical issues in the stairwell?

Yes             No

If you answered no to subpart A, please move on to Question No. 14. If you answered yes to Subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to acoustical issues in its design in the stairwell a substantial factor in causing Lennar harm?

Yes  No

If you answered no to subpart B, please move on to Question No. 14. If you answered yes to subpart B, then answer subpart C.

C. Did Bovis or any of its subcontractors fall below the standard of care with respect to acoustical issues in construction of the stairwell?

Yes             No

D. Were any errors or omissions on the part of Bovis or any of its subcontractors with respect to acoustical issues in construction of the stairwell a substantial factor in causing Lennar harm?

Yes  No

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E. What are Lennar's total damages with respect to the as a result of the acoustical issues in construction of the stairwell?

Amount \$ \_\_\_\_\_

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis or any of its subcontractors.

Answer: To MBH \_\_\_\_\_ %

To Bovis \_\_\_\_\_ %

**QUESTION NO. 14**

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to design and acoustical isolation of condenser pumps?

Yes  No

If you answered no to subpart A, please move on to Question No. 15. If you answered yes to Subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to design and acoustical isolation of condenser pumps a substantial factor in causing Lennar harm?

If you answered no to subpart B, please move on to Question No. 15. If you answered yes to subpart B, then answer subpart C.

C. Was Bovis or any of its subcontractors responsible for design and construction of the acoustical isolation of condenser pumps?

D. Were any errors or omissions on the part of Bovis or any of its subcontractors with respect to the acoustical isolation of the conductor pumps a substantial factor in causing harm to Lennar?

— Yes \_\_\_\_\_ No \_\_\_\_\_

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E. What are Lennar's total damages with respect to the acoustical isolation of condenser pumps issues?

Amount \$ \_\_\_\_\_

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis or any of its subcontractors?

Answer: To MBH \_\_\_\_\_ %

To Bovis \_\_\_\_\_ %

### **QUESTION NO. 15**

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to the design of bathtubs in Units 506 and 507?

Yes             No

If you answered no to subpart A, please move on to Question No. 16. If you answered yes to Subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to the design of bathtubs in Units 506 and 507 a substantial factor in causing Lennar harm?

Yes  No

If you answered no to subpart B, please move on to Question No. 16. If you answered yes to subpart B, then answer subpart C.

C. Did Bovis or any of its subcontractors fall below the standard of care with respect to the construction of bathtubs in Units 506 and 507?

Yes             No

D. Were any errors or omissions on the part of Bovis or any of its subcontractors with respect to the construction of bathtubs in Units 506 and 507 a substantial factor in causing Lennar harm?

Yes  No

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2 F. What percentage of such fault is attributable to MBH and what percentage is  
3 attributable to Bovis or any of its subcontractors.

4 Answer: To MBH \_\_\_\_\_ %

5 To Bovis \_\_\_\_\_ %

6 **QUESTION NO. 17**

7 A. Did MBH breach its contract with Lennar or fall below the standard of care with  
8 respect to the design of doorstops for patio doors?

9  Yes  No

10 If you answered no to subpart A, please move on to Question No. 18. If you answered yes  
11 to Subpart A, then answer subpart B.

12 B. Were any errors or omissions on the part of MBH with respect to the design of  
13 doorstops for patio doors a substantial factor in causing Lennar harm?

14  Yes  No

15 If you answered no to subpart B, please move on to Question No. 18. If you answered yes  
16 to subpart B, then answer subpart C.

17 C. What are Lennar's total damages with respect to the patio doors?

18 Amount \$\_\_\_\_\_

19 **QUESTION NO. 18**

20 A. Did MBH breach its contract with Lennar or fall below the standard of care with  
21 respect to the design of the penthouse gates?

22  Yes  No

23 If you answered no to subpart A, please move on to Question No. 19. If you answered yes  
24 to Subpart A, then answer subpart B.

25 B. Were any errors or omissions on the part of MBH with respect to the design of the  
26 penthouse gates a substantial factor in causing Lennar harm?

27  Yes  No

1           If you answered no to subpart B, please move on to Question No. 19. If you answered yes  
2 to subpart B, then answer subpart C.

3           C.     Did Bovis or any of its subcontractors fall below the standard of care with respect  
4 to the construction of the penthouse gates?

5             Yes      No

6           D.     Were any errors or omissions on the part of Bovis or any of its subcontractors with  
7 respect to construction of the penthouse gates a substantial factor in causing Lennar harm?

8             Yes      No

9           E.     What are Lennar's total damages with respect construction of the penthouse gates?

10            Amount \$\_\_\_\_\_

11           F.     What percentage of such fault is attributable to MBH and what percentage is  
12 attributable to Bovis or any of its subcontractors.

13            Answer:    To MBH     \_\_\_\_\_ %

14                    To Bovis     \_\_\_\_\_ %

15 **QUESTION NO. 19**

16           A.     Did MBH breach its contract with Lennar or fall below the standard of care with  
17 respect to the design of vestibules in stairways?

18             Yes      No

19           If you answered no to subpart A, please move on to Question No. 20. If you answered yes  
20 to Subpart A, then answer subpart B.

21           B.     Were any errors or omissions on the part of MBH with respect to the design of  
22 vestibules in stairways a substantial factor in causing Lennar harm?

23             Yes      No

24           If you answered no to subpart B, please move on to Question No. 20. If you answered yes  
25 to subpart B, then answer subpart C.

26           C.     What are Lennar's total damages with respect to the vestibules in stairways?

27            Amount \$\_\_\_\_\_

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## **QUESTION NO. 20**

3           A.     Did MBH breach its contract with Lennar or fall below the standard of care with  
4 respect to the design of the garage gates?

6 If you answered no to subpart A, please move on to Question No. 21. If you answered yes  
7 to Subpart A, then answer subpart B.

8           B.     Were any errors or omissions on the part of MBH with respect to the design of the  
9 garage gates a substantial factor in causing Lennar harm?

10  Yes  No

11 If you answered no to subpart B, please move on to Question No. 21. If you answered yes  
12 to subpart B, then answer subpart C.

13 C. Did Bovis or any of its subcontractors fall below the standard of care with respect  
14 to with respect to the construction of the garage gates?

15 Yes No

16 D. Were any errors or omissions on the part of Bovis or any of its subcontractors with  
17 respect to construction of the garage gates a substantial factor in causing Lennar harm?

18 Yes No

19 E. What are Lennar's total damages with respect to the garage gates?

20 Amount \$ \_\_\_\_\_

21 F. What percentage of such fault is attributable to MBH and what percentage is  
22 attributable to Bovis or any of its subcontractors.

23 | Answer: To MBH %

24 To Bovis %

## QUESTION NO. 21

26 A. Did MBH breach its contract with Lennar or fall below the standard of care with  
27 respect to the design or specification of courtyard home entry doors?

Yes  No

If you answered no to subpart A, please move on to Question No. 22. If you answered yes to Subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to the design or specification of courtyard home entry doors a substantial factor in causing Lennar harm?

Yes  No

If you answered no to subpart B, please move on to Question No. 22. If you answered yes to subpart B, then answer subpart C.

C. Did Bovis or any of its subcontractors fall below the standard of care with respect to the design, specification, or installation of courtyard home entry doors?

Yes        No

D. Were any errors or omissions on the part of Bovis or any of its subcontractors with respect to the design, specification, or installation of courtyard home entry doors a substantial factor in causing Lennar harm?

Yes  No

E. What are Lennar's total damages with respect to the courtyard home entry doors?

Amount \$

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis or any of its subcontractors.

Answer: To MBH \_\_\_\_\_ %

## To Bovis %

**QUESTION NO. 22**

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to the design or specification of courtyard home awnings?

If you answered no to subpart A, please move on to Question No. 23. If you answered yes to Subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to the design or specification of courtyard home awnings a substantial factor in causing Lennar harm?

Yes             No

If you answered no to subpart B, please move on to Question No. 23. If you answered yes to subpart B, then answer subpart C.

C. Did Bovis or any of its subcontractors fall below the standard of care with respect to the installation of courtyard home awnings?

Yes             No

D. Were any errors or omissions on the part of Bovis or any of its subcontractors with respect to the installation of courtyard home awnings a substantial factor in causing Lennar harm?

Yes  No

E. What are Lennar's total damages with respect to the courtyard home awnings?

Amount \$ \_\_\_\_\_

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis or any of its subcontractors.

Answer: To MBH \_\_\_\_\_ %

To Bovis \_\_\_\_\_ %

### **QUESTION NO. 23**

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to the design or specification of courtyard #3 door's awnings?

Yes             No

If you answered no to subpart A, please move on to Question No. 24. If you answered yes to Subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to the design or specification of courtyard #3 door's awnings a substantial factor in causing Lennar harm?

Yes  No

1           If you answered no to subpart B, please move on to Question No. 24. If you answered yes  
2 to subpart B, then answer subpart C.

3           C.     Did Bovis or any of its subcontractors fall below the standard of care with respect  
4 to the installation of courtyard #3 door's awnings?

5           \_\_\_\_ Yes        \_\_\_\_ No

6           D.     Were any errors or omissions on the part of Bovis or any of its subcontractors with  
7 respect to the installation of courtyard #3 door's awnings a substantial factor in causing Lennar  
8 harm?

9           \_\_\_\_ Yes        \_\_\_\_ No

10          E.     What are Lennar's total damages with respect to the courtyard #3 door's?

11           Amount \$\_\_\_\_\_

12          F.     What percentage of such fault is attributable to MBH and what percentage is  
13 attributable to Bovis or any of its subcontractors.

14           Answer:     To MBH        \_\_\_\_\_ %

15                        To Bovis        \_\_\_\_\_ %

16 **QUESTION NO. 24**

17          A.     Did MBH breach its contract with Lennar or fall below the standard of care with  
18 respect to the design or specification of common area hallway baseboards?

19           \_\_\_\_ Yes        \_\_\_\_ No

20           If you answered no to subpart A, please move on to Question No. 25. If you answered yes  
21 to Subpart A, then answer subpart B.

22          B.     Were any errors or omissions on the part of MBH with respect to the design or  
23 specification of common area hallway baseboards a substantial factor in causing Lennar harm?

24           \_\_\_\_ Yes        \_\_\_\_ No

25           If you answered no to subpart B, please move on to Question No. 25. If you answered yes  
26 to subpart B, then answer subpart C.

27           ///

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1  
2       C.     Did Bovis or any of its subcontractors fall below the standard of care with respect  
3 to the installation of common area hallway baseboards?

4         Yes      No

5        D.     Were any errors or omissions on the part of Bovis or any of its subcontractors with  
6 respect to the installation of common area hallway baseboards a substantial factor in causing  
7 Lennar harm?

8         Yes      No

9        E.     What are Lennar's total damages with respect to the common area hallway  
10 baseboards?

11            Amount \$\_\_\_\_\_

12        F.     What percentage of such fault is attributable to MBH and what percentage is  
13 attributable to Bovis or any of its subcontractors.

14            Answer:     To MBH     \_\_\_\_\_ %

15                    To Bovis     \_\_\_\_\_ %

16 **QUESTION NO. 25**

17        A.     Did MBH breach its contract with Lennar or fall below the standard of care with  
18 respect to the design or specification of the davit storage room?

19         Yes      No

20        If you answered no to subpart A, please move on to Question No. 26. If you answered yes  
21 to Subpart A, then answer subpart B.

22        B.     Were any errors or omissions on the part of MBH with respect to the design or  
23 specification of the davit storage room a substantial factor in causing Lennar harm?

24         Yes      No

25        If you answered no to subpart B, please move on to Question No. 26. If you answered yes  
26 to subpart B, then answer subpart C.

27        ///

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C. Did Bovis or any of its subcontractors fall below the standard of care with respect to the installation of the davit storage room?

Yes             No

D. Were any errors or omissions on the part of Bovis or any of its subcontractors with respect to the installation of the davit storage room a substantial factor in causing Lennar harm?

Yes             No

E. What are Lennar's total damages with respect to the davit storage room?

Amount \$ \_\_\_\_\_

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis or any of its subcontractors.

Answer: To MBH \_\_\_\_\_ %

To Bovis \_\_\_\_\_ %

### **QUESTION NO. 26**

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to the design or specification of West Elevation Penthouse entry doors?

Yes  No

If you answered no to subpart A, please move on to Question No. 27. If you answered yes to Subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to the design or specification of West Elevation Penthouse entry doors a substantial factor in causing Lennar harm?

If you answered no to subpart B, please move on to Question No. 27. If you answered yes to subpart B, then answer subpart C.

C. Did Bovis or any of its subcontractors fall below the standard of care with respect to the installation of West Elevation Penthouse entry doors?

1            Yes            No

2 D. Were any errors or omissions on the part of Bovis or any of its subcontractors with  
3 respect to the installation of West Elevation Penthouse entry doors a substantial factor in causing  
4 Lennar harm?

5 \_\_\_\_\_ Yes \_\_\_\_\_ No

6 E. What are Lennar's total damages with respect to the installation of West Elevation  
7 Penthouse entry doors?

8 Amount \$ \_\_\_\_\_

9 F. What percentage of such fault is attributable to MBH and what percentage is  
10 attributable to Bovis or any of its subcontractors.

11 | Answer: To MBH %

## 12 To Bovis %

**13      QUESTION NO. 27**

14 A. Did MBH breach its contract with Lennar or fall below the standard of care with  
15 respect to the design or specification of the elevator control system?

16       Yes       No

17 If you answered no to subpart A, please move on to Question No. 28. If you answered yes  
18 to Subpart A, then answer subpart B.

19           B.       Were any errors or omissions on the part of MBH with respect to the design or  
20 specification of the elevator control system a substantial factor in causing Lennar harm?

21 Yes No

22 If you answered no to subpart B, please move on to Question No. 28. If you answered yes  
23 to subpart B, then answer subpart C.

24 C. Did Bovis or any of its subcontractors fall below the standard of care with respect  
25 to the installation of the elevator control system?

26 Yes No

27 //

D. Were any errors or omissions on the part of Bovis or any of its subcontractors with respect to the installation of the elevator control system a substantial factor in causing Lennar harm?

Yes             No

E. What are Lennar's total damages with respect to the elevator control system?

Amount \$ \_\_\_\_\_

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis or any of its subcontractors.

Answer: To MBH \_\_\_\_\_ %

To Bovis \_\_\_\_\_ %

### **QUESTION NO. 28**

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to the design or specification of the Mews gates?

Yes             No

If you answered no to subpart A, stop here, answer no further questions, and have the presiding juror sign and date this form. If you answered yes to Subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to design or specification of the Mews gates a substantial factor in causing Lennar harm?

Yes  No

If you answered no to subpart B, stop here, answer no further questions, and have the presiding juror sign and date this form. If you answered yes to subpart B, then answer subpart C.

C. Did Bovis or any of its subcontractors fall below the standard of care with respect to the installation of West Elevation Penthouse entry doors?

Yes             No

D. Were any errors or omissions on the part of Bovis with respect to the installation of the Mews gates a substantial factor in causing Lennar harm?

Yes  No

E. What are Lennar's total damages with respect to Mews gates?

Amount \$ \_\_\_\_\_

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis.

Answer: To MBH \_\_\_\_\_%

To Bovis \_\_\_\_\_ %

Dated: \_\_\_\_\_, 2009

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**Presiding Juror**

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